IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4514 OF 2005

Ambrish S.Kapadia ..Applicant

Vs.

The State of Maharashtra
& Anr. ..Respondents

...

Mr.C.K.Pendse i/b Vaibhav Karnik
Advocate for Applicant
Mr.Y.P.Palshikar for Respondent no.2
Ms.S.V.Gajare A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the applicant-original accused, learned advocate for the respondent no.2-original complainant and the learned A.P.P. for the State.

2. The applicant is facing prosecution under Section 138 of Negotiable Instruments Act in C.C.No.1144 of 1995. The applicant had preferred an application for examining the defence witnesses.

The said application came to be rejected by the learned Magistrate by order dated 28.6.2005 and the matter came to be adjourned with directions to the applicant to advance arguments on the next date. Being aggrieved by the said order, this application has been preferred.

3. The learned advocate for the respondent no.2-original complainant on instructions from the complainant, states that there is no objection to the defence witnesses being examined provided the same is done by 11th November, 2005. In this view of the matter, the applicant is allowed to examine the defence witnesses as desired by him. However, the same shall be done by 11th November, 2005. The parties to appear before the trial Court on 26.10.2005.

4. Application is disposed of.

[V.K.TAHILRAMANI,J.]